IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	Confirm. No.: 7692
HYODO et al	Atty. Ref.: 1883-32
Serial No. 09/437,239	TC/A.U.: 2615
Filed: November 10, 1999	Examiner: H. Nguyen

For: CODED DATA CONTROL DEVICE

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November 28, 2005

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s).

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REASON(S) FOR REVIEW

1. The Prior Art Rejections

Claims 9-10 and 12-13 stand finally rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,504,585 to Fujinami et al in view of U.S. Patent 5,546,365 to Roth. Claims 9-10 and 12-13 stand finally rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,006,007 to Honjo in view of U.S. Patent 5,504,585 to Fujinami et al and U.S. Patent 5,546,365 to Roth.

2. The Prior Art Rejections Are Erroneous

Applicants submit that independent claims 9 and 12 both include limitations which are not taught or suggested by any applied reference, either individually or in combination. For example, Applicants' "location information" limitation is utterly lacking and non-suggested in the applied art.

Applicants' "location information" is explained in both independent claim 9 and independent claim 12

> as including information on a *head position of a data-pack* including a head of the coded video-data of the key-frame or a head of the coded audio-data corresponding to the key-frame (emphasis added).

U.S. Patent 5,504,585 to Fujinami et al. is directed to a method and apparatus for processing a variable-rate coded signal for recording and to provide a high-speed search capability. Fujinami purports to solve the inefficiencies of prior art in which the position of an I-picture is not known, and the search process must wait for an access point to appear after the read position has been moved by some amount (i.e., the read head is positioned in an "address area"). Fujinami does this using a complex method of

providing signal markers that are multiplexed with the coded data. The "entry point" of Fujinami makes use of signal markers that are multiplexed with the coded data. In order to multiplex the signal markers with the coded data, a large capacity memory device is required, e.g., DSM 10 in Figure 16.

Fujinami et al. does *not* teach or suggest Applicants' location information limitation. The Office Action incorrectly points in Fujinami to column 19, lines 55-65 as allegedly teaching the claimed location information. However, what is alleged in the Office Action to be location information instead indicates a head position of an I-picture (ENTRY POINT in Fig. 13). Fjuinami's ENTRY POINT, which relates to the location of video data *within* a data-pack.

In contrast, Applicants' claimed and clearly worded location information refers to the head position of a *data-pack*. Applicants store the head position of each data pack as the location information, thereby enabling the method/apparatus to achieve *synchronous reproduction* of audio-data and video-data after random access. This synchronous reproduction is an important advantage which cannot be attained only by use of Fujimani's ENTRY POINT. At best Fujinami can obtain a high-speed search of merely video data, but (lacking anything resembling Applicants' location information) cannot obtain synchronous reproduction.

Thus, U.S. Patent 5,504,585 to Fujinami et al has no teaching or suggestion of Applicants' claimed location information. Nor can Applicants' location information of a data-pack of multiplexed data be found, extrapolated, or presumed from any other applied reference.

Honjo is directed to an optical disk apparatus for recording and reproducing compression encoded video signals. According to Honjo, during optical disk recording

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of a digital coded video signal, the number of infield or inframe encoded data frames or their address information are stored on an innermost or outermost region of an optical disk. During playback these frames are first retrieved for uses as control data. Since the numbers or address information of the infield or inframe encoded data frames are acquired, a specific playback mode, e.g., high-speed playback or still picture reproduction, can purportedly be readily executed with allegedly advantageous effects through searching the address information.

There is no teaching or suggestion in Honjo of controlling the head position of a data-pack including the head of coded data of a key frame as set forth in the claimed invention. It is respectfully submitted that the claimed "head position of a data-pack..." is not the same as the address area of Honjo. Honjo merely describes control of a position of infield coded data or inframe coded data, i.e., *an address area*. Moreover, what is alleged to constitute location information in Honjo is related to broad area, e.g., the numbers of intraframe (I-frame) data areas or the address areas which contain intraframe data, and thus does not indicate a specific location.

On the other hand, and in complete distinction, the claimed invention is directed to control of the head position of a data-pack including the head of coded data of a key frame.

The Office Action properly admits that U.S. Patent 6,006,007 to Honjo fails to teach the features of "managing the head position of the key-frame of video coded data" and "including the multiplexed audio and video coded data". With these (among other) deficiencies, it is inconceivable that a combination of Honjo, for example, with Fujimami (which does *not* describe the location information of the head position of the data-pack) realizes or even suggests Applicants' independent claims 9 and 12.

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For reasons including but not limited to the foregoing, Applicants respectfully submit that the Examiner has erred.

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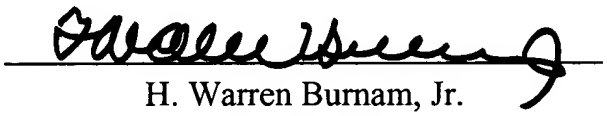
By: 

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